

ORDINANCE NO. 98-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 103 BY CHANGING A 3.32 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE EAST SIDE OF JOG ROAD, APPROXIMATELY ONE MILE SOUTH OF LINTON BOULEVARD, FROM LOW RESIDENTIAL 3 (LR-3) TO COMMERCIAL LOW (CL/3); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

1           **WHEREAS**, the Palm Beach County Local Planning Agency  
2 conducted a public hearing on February 27, 1998, to review the  
3 proposed amendment to the Palm Beach County Comprehensive Plan  
4 and made a recommendation regarding the proposed amendment to the  
5 Palm Beach County Board of County Commissioners pursuant to  
6 Chapter 163, Part II, Florida Statutes at the conclusion of the  
7 public hearing; and

8           **WHEREAS**, the Palm Beach County Board of County  
9 Commissioners, as the governing body of Palm Beach County,  
10 conducted a public hearing pursuant to Chapter 163, Part II,  
11 Florida Statutes, to review the recommendation of the Local  
12 Planning Agency; and

13           **WHEREAS**, the Palm Beach County Board of County Commissioners  
14 has determined that the amendment complies with all requirements  
15 of the Local Government Comprehensive Planning and Land  
16 Development Regulation Act.

17           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
18 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

19           **Part I. Amendment to the Future Land Use Atlas of the Land**  
20 **Use Element of the 1989 Comprehensive Plan**

21           An Amendment to the Land Use Element's Future Land Use Atlas  
22 of the Palm Beach County 1989 Comprehensive Plan, is hereby  
23 adopted as follows:

24           A. Future Land Use Atlas page 103 is amended as follows:

25           Application No.:     98 - SCA 103 COM 2 (Addison Place)

26           Amendment:           From 3.32 acres of Low Residential 3  
27                                   (LR-3) to Commercial Low with an  
28                                   underlying density of 3 (CL/3).

29           General Location:    East side of Jog Road, approximately one  
30                                   mile south of Linton Bouevard.

31           Size:                 3.32 acres

1 B. The amendment is subject to the following conditions:

2 1. The property shall be restricted to the following  
3 uses:

- 4 • Financial institution;  
5 • Office, business or professional;  
6 • Medical office or dental clinic;  
7 • Florist;  
8 • Personal services;  
9 • General retail;  
10 • Laundry services;  
11 • Newsstand or gift shop;  
12 • Printing or copying services;  
13 • Restaurant, quality;  
14 • Restaurant, specialty (no primary delivery  
15 services, fast food or drive-thru window);  
16 • Veterinary clinic (no overnight boarding or  
17 outdoor runs).

18 2. The landscaping and buffering along the east  
19 property line shall include:

20 a minimum fifteen (15) foot wide buffer strip; one  
21 canopy tree per fifteen (15) linear feet on center on  
22 both sides of the wall; a two (2) foot berm; a six to  
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1 eight (6 to 8) foot solid, opaque wall; and, shrub or  
2 hedge materials on both sides of the required wall  
3 maintained at thirty-six (36) inches.

4 C. A map depicting the amendment and a legal description  
5 for the parcel depicting the amendment is attached to  
6 this ordinance as Exhibit 1.

7 **Part II. Effective Date**

8 This amendment shall not become effective until 31 days  
9 after adoption. If challenged within 30 days after adoption,  
10 this amendment shall not become effective until the state land  
11 planning agency or the Administration Commission, respectively,  
12 issues a final order determining the amendment is in compliance.

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
14 Palm Beach County, on the 23 day of April, 1998.

15 DOROTHY H. WILKEN

16 PALM BEACH COUNTY, FLORIDA,  
17 BY ITS BOARD OF COUNTY COMMISSIONERS

18  
19  
20 By: Joan H. Wilken  
21 Deputy Clerk

22 By: [Signature]  
23 Chairman

24  
25  
26 APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY  
28 [Signature]  
29 COUNTY ATTORNEY



30  
31  
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33 Filed with the Department of State on the 30th day of  
34 April, 1998.

## GENERALIZED LOCATION MAP

Future Land Use Atlas page 103 is amended as follows:

**Application No.:** 98-SCA 103 COM 2 (Nowlin aka Addison Place)

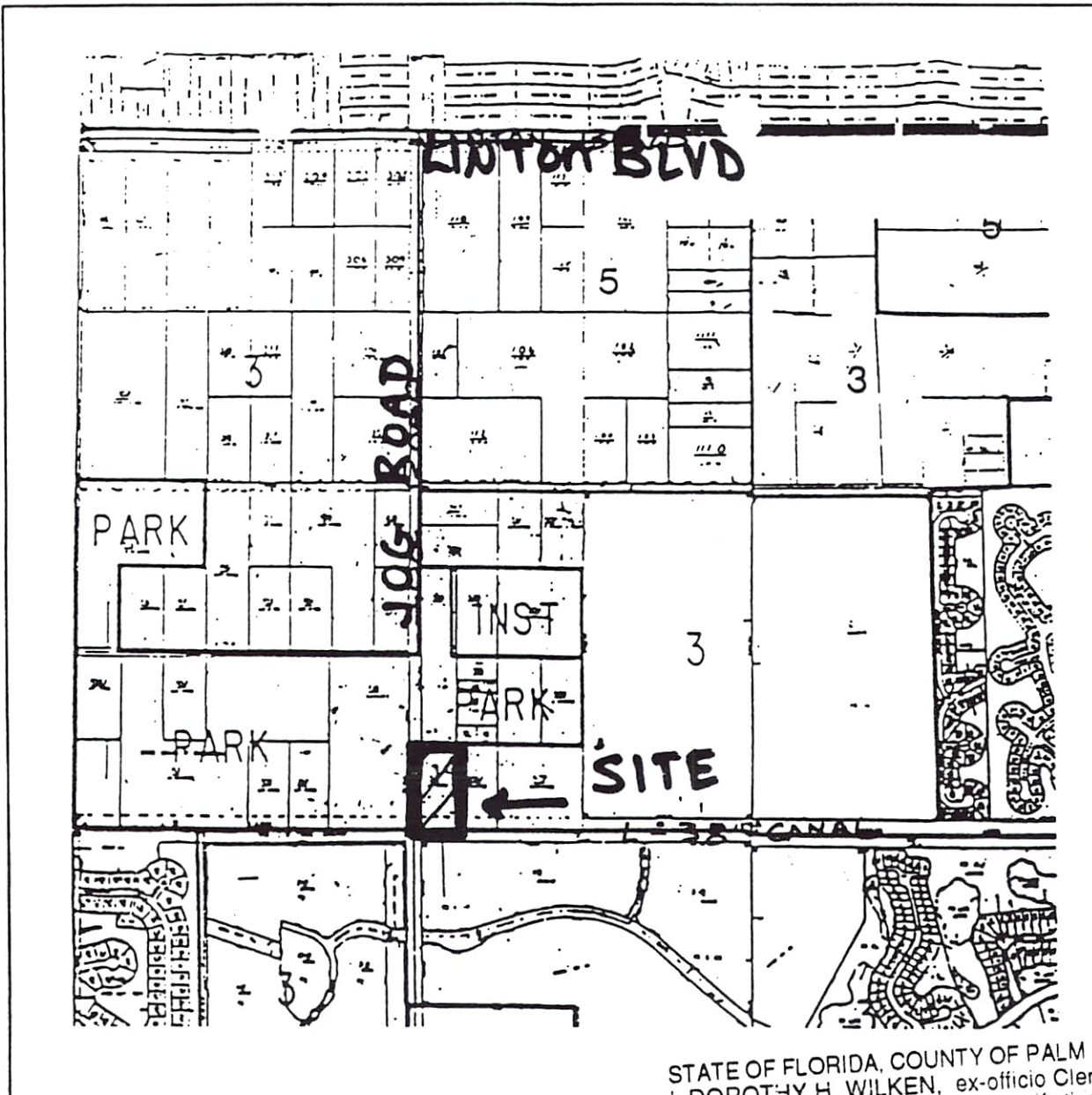
**Amendment:** Low Residential 3 (LR-3) to Commercial Low with an underlying Low Residential 3 (CL/3)

**General Location:** East side of Jog Road, approximately one (1) mile south of Linton Boulevard.

**Size:** 3.32 acres

**Legal Description:** That portion of the West Half (W1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida, Lying east of the east right of way line of Jog Road (Carter Road), less the south 86.46 feet thereof as measured from the south line of said section 27 according to the Palm Beach County survey of said Section 27.

**Property Number:** 00-42-46-27-00-000-5120 (3.32 acres only)



STATE OF FLORIDA, COUNTY OF PALM BEACH  
 I, DOROTHY H. WILKEN, ex-officio Clerk of the  
 Board of County Commissioners certify this to be a  
 true and correct copy of the original filed in my office  
 on 4/23/98  
 DATED at West Palm Beach, FL on 5/18/98  
 DOROTHY H. WILKEN, Clerk  
Ph. 111 A. House D.O.